

**MINUTES**  
**NATURAL RESOURCES COMMISSION**

**NOVEMBER 9, 2006**

**LANSING CENTER**  
**333 E. MICHIGAN**  
**LANSING**

**PRESENT FOR THE NRC**

Keith Charters, Chair  
Bob Garner, Vice-Chair  
Mary Brown  
Darnell Earley  
John Madigan  
Frank Wheatlake

**ABSENT FOR THE COMMISSION**

Jerry Hall

**PRESENT FOR STAFF**

Becky Humphries, Director  
Dennis Fedewa, Chief Deputy  
Jim Ekdahl, UP Field Deputy  
Other DNR Staff

**COMMITTEE OF THE WHOLE**

**Chairman Charters** called the Committee of the Whole meeting of the NRC to order at 3:06 p.m. The Committee of the Whole is a working session of the NRC.

**Feral Swine Update**

**Alan Marble, Chief, Law Enforcement Division**, distributed a November 8 press release jointly issued by the Michigan Department of Natural Resources (DNR) and the Michigan Department of Agriculture (MDA), map showing the presence of feral swine around the state, and a fact sheet explaining how the DNR and MDA are addressing the issue. In states where feral swine have become established, they have caused crop damage, pose a serious threat to the health and welfare of the domestic swine, endanger humans, impact wildlife populations, and impact the environment by disrupting the ecosystem. Though swine are protected by the law, local prosecutors in 23 counties (Arenac, Bay, Baraga, Clinton, Cheboygan, Gladwin, Gratiot, Hillsdale, Isabella, Jackson, Lapeer, Lenawee, Marquette, Mason, Mecosta, Midland, Montcalm, Montmorency, Newaygo, Oceana, Ogemaw, Roscommon, and Saginaw) are allowing hunters to take these animals.

Guidelines require that hunters in one of the 23 counties, with any valid hunting license may take a wild pig should the opportunity arise. The DNR recommends that only hunters using single projectiles (slugs or bullets) harvest these animals. All normal firearm and hunting regulations apply: including hunting hours, hunter orange requirement, and restrictions of firearms by season and location within the state. Hunters are also asked to take the heads of these animals into DNR deer check stations to be tested for various kinds of disease.

**Director Humphries** stated that feral are quite a concern with disease and the risk to other domestic swine. A number of states have had problems with disease transmission.

**Commissioner Brown** said that they are a hazard on trails.

### **Fish Health Update**

**Kelley Smith, Chief, Fisheries Division**, reported that in April of 2006 there was a significant mortality of muskies in Lake St. Clair. The likely cause was a new virus in the Great Lakes called Viral Hemorrhagic Septicemia (VHS). Once this disease is found in the environment, it must be reported at the national and international level, and DNR did report it. The Great Lakes Health Committee developed a set of 40 management recommendations to help agencies address the disease. The DNR has begun to implement those. On October 24, 2006, the U.S. Department of Agriculture's Plant and Health Inspection Service (APHIS) issued an emergency federal order that prohibits the interstate transport of 37 different species between the Great Lake states, prohibits interstate transportation to anywhere else in the US, and prohibits the importation of those species from two provinces, Ontario and Quebec, into the U.S. There is serious concern about the order which was issued unilaterally with no discussion or consultation with the states, the tribes or Canada beforehand. The DNR believes this order creates a hardship. Because of the immediate and successful intervention by Director Humphries, the states were invited to a special meeting in Washington, D.C. The original intent was to begin the process for developing an interim rule. The DNR developed several amendments that would make the emergency order less burdensome yet still provide safety and protection that are necessary to prevent the spread of the disease. The DNR is still waiting to hear if the order will be modified.

A resolution has been provided for NRC consideration that supports the actions taken by the Department that request that APHIS act immediately to implement these recommendations.

**Gary Whelan, Fisheries Division**, described the VHS virus. He stated the key is to slow the disease since it can not be stopped. Many steps have already been implemented to accomplish this.

**Commissioner Garner** asked if this disease could be passed on to humans. **Gary Whelan** replied no. **Commissioner Garner** then thanked Kelley Smith, Keith Charters, and the Director for getting this under control.

### **Presentation of the Hunting and Fishing License Program Development Work Group Report**

**Chairman Charters** introduced this report by saying that if the hunting and fishing license fee structure is not changed have an \$8 million deficit by 2008 and up to \$40 million deficit by 2010. A solution is imperative. A Work Group was appointed consisting of 19 members from various constituent and conservation groups across Michigan. **Commissioner Wheatlake** chaired the Work Group. **Chairman Charters** thanked **Commissioner Wheatlake** as well as the Work Group members and staff who devoted countless hours in meetings and in development of this Report.

**Commissioner Wheatlake** asked all the members that were present and had served on the workgroup to stand and thanked each one: Jim De Clerck, Jerry Theide, Dennis Grinold, Katrina Mueller, Jack Kelley, Harry Whiteley, Dan Potter, and Rich Bowman. (Members not present were Steve Arwood, Work Group Vice Chair, George Burgoyne, Glen Duncan, Jack Kelly, Bill Malloch, Tom Nemacheck, Gary Schinske, Sam Washington, Christopher Wesolek, Gary Williams, and Wayne Wood.) With the help of **Dennis Fox, Chief of Staff**, **Commissioner Wheatlake** gave a power point presentation of the report.

The charges that were given to the Work Group by the Chairman, was to recommend changes in hunting and fishing license fees to sustain Michigan's conservation efforts; and to reach out to a broader group of conservation and outdoor recreation stakeholders for input and assistance in communicating the need in the legislative process. As a result, eight recommendations were established:

1. Restore cuts from previous two years
2. Accomplish targeted additions to meet emerging needs
3. Provide limited discounts to seniors (20%) and youth (50%)
4. Charge higher fees to non-residents
5. Lower age to 16 for fishing license
6. Provide DNR authority to discount all licenses
7. Support inclusion of youth (under 16) fishing catch as part of accompanying adult's fishing bag limit unless youth has voluntary fishing license
8. Work with conservation interests to craft long-term, stable funding for conservation in Michigan

**Commissioner Garner** asked if the minimum had changed at all to earn the federal dollars. The Director replied no and said the discount is based on administrative costs.

**Chairman Charters** asked how many different entrees are there for the different licenses. **Sharon Schafer, Office of Budget and Support Services Chief**, responded between 200 and 300 with the different licenses.

**Commissioner Earley** observed that a license is just like any user fee, and user fees do go up. He commended Commissioner Wheatlake and the Work Group for bringing back a very reasonable, well-thought out, rational approach for handling proactively the issues that are being dealt with at the state level.

**Frank Wheatlake** stated that the users are willing to pay if a good product is provided.

**Chairman Charters** said that the Commission will formally act on the recommendations at the regular meeting of the NRC. The next step will be to introduce the recommendations to the Legislature for action by the Legislature. Development of a sustainable funding source will be the top priority. When 2007 NRC goals are developed, the highest priority will be to develop sustainable funding for conservation program.

**Director Humphries** thanked Commissioner Wheatlake, the Work Group and DNR staff that worked on this report.

#### **Recruitment and Retention Implementation Team Update**

**Chuck Nelson, Hunter Recruitment Program Coordinator**, reported that this year, to date, the state is showing an increase of 10,600 youth/junior licenses. This is a positive development. Eighty-two percent of apprentice licenses are sold to people under 17. The apprentice program has been very instrumental in getting kids out in the field yet creates a substantial challenge in the future for hunter safety. Significant efforts need to be made to increase the number of hunter safety instructors. One of the items the DNR is working to do is link with youth mentoring organizations, and get the adult leaders involved in hunter safety education. Shooting sports have 10,000 participants and is growing by more than a 1,000 youth every year.

The DNR would like to initiate a user-friendly format for the public to access maps showing hunting areas available on public land. Michigan has 9.5 million acres open to the public for hunting and the word needs to get out. The goal of the program is to have current hunters recruit one new hunter thus doubling the number of hunters (recruitment).

**Director Humphries** thanked Chuck Nelson for taking on the lead of the implementation of the Recruitment and Retention Implementation Team as well as being the facilitator. He is an individual who has long recognized the need to bring new people to the out-of-doors. In recognition of that, the Director presented Chuck with a hunting statue.

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The Committee of the Whole meeting adjourned at 4:15 p.m. and the Public Appearances portion of the meeting convened at 4:35 p.m.

### **PUBLIC APPEARANCES**

Ruthie Edmondson, Former DNR Employee  
Brad Garmon, Michigan Environmental Council  
Jeff Kunkel, Hillsdale  
Cynthia Pryor, Big Bay  
Bob Shellenberg, Bitterroot  
Donna Stine, MUCC

**Jeff Kunkel, Hillsdale**, supported a statewide, one-buck limit and presented his justification for his support. **Chairman Charters** commended Mr. Kunkel for his presentation.

**Ruthie Edmondson – Personnel Matter** asked the NRC to take some action to resolve a Worker's Compensation Agreement with the DNR that she claims was broken.

**Chairman Charters** said that he sympathized with Ms. Edmondson but noted that it is not the jurisdiction of the NRC to address personnel matters.

**Director Humphries** said she did receive Ms. Edmondson's and intends to respond.

**Bob Shellenburg, Bitterroot Resources**, said the Commission has done a wonderful job taking in information from a variety of sources and utilizing that to develop the minerals lease. Bitterroot is looking forward to moving on in the UP and looking for uranium. He requested that there be an option for an extension of the minerals leases after ten years and said that the term of the lease is at issue.

**Donna Stine, MUCC**, wanted to discuss the metallic, mining mineral's lease in regard to the automatic lease extension of the lease for another 10 years. The issue is not about whether there should be extension on the lease, the issue is that this language gives away the decision-making authority of the Department. MUCC would like to suggest language that would provide for extension upon written application by the lessee which verifies their active involvement in exploration and a payment of a minimum royalty.

**Commissioner Brown**, asked how does the leasing affect hunting and fishing on that land during exploration on state land?

**Director Humphries** replied that typically, mining works around the hunting seasons. She asked Tom Wellman if he had any estimate or the average time for exploration that takes place on leases.

**Tom Wellman** said that they don't have good data on that now.

**Brad Garmon, Michigan Environmental Council**, stated they are trying to find ways to have mines open at most optimum time - building in incentives for companies to crack open at the optimum time and leave open for the shortest amount of time. In regard to that, the intent of the lease has changed in some tenor as to how long it can remain open.

**Cynthia Pryor, Big Bay**, participated on the work group that developed the Metallic Minerals Lease. Because she did not attend the final meeting of the Work Group, she did not realize, until the final draft lease document was out, that further changes had been made based on comments received. She believes the lease should be proposed as it was prior to the most recent changes.

She also believes that the State should receive more royalties from certain mines than is being received now.

**Ms. Pryor** believes Kennicott violated the terms of their lease by going outside the agreed-upon exploration work. She said she does not believe the DNR had been notified of this.

**Commissioner Garner** said, if Kennicott did violate the terms of their lease, that is wrong. **Tom Wellman** said the violation of the contract consisted of Kennicott not contacting the DNR prior to doing some exploration work. Subsequently, Forest, Mineral and Fire Management Division staff have had discussions with Kennicott. The activity was within the guidelines of the lease, however, they did not make the proper contacts.

**Commissioner Brown** believes the NRC should receive annual reports relative to this lease.

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The Public Appearances portion of the meeting was adjourned at 5:15 the Regular Meeting of the NRC convened at 5:15 p.m.

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#### **APPROVAL OF MINUTES – OCTOBER 5, 2006 NATURAL RESOURCES COMMISSION MEETING**

**Commissioner Garner** made a motion, supported by **Commissioner Brown**, for approval. Motion unanimously carried.

#### **RIGHT TO FOREST ACT (ACT 676 OF 2002) – GENERALLY ACCEPTED FOREST MANAGEMENT PRACTICES**

**Commission Garner** made a motion, supported by **Commissioner Brown**, for approval. Motion unanimously carried.

#### **2007 SPRING WILD TURKEY SEASON DATES AND LICENSE QUOTAS**

**Commissioner Garner** made a motion, supported by **Commissioner Madigan**, for approval of Wildlife Order 18 of 2006. Motion carried unanimously.

**VIRAL HEMORRHAGIC SEPTICEMIA (VHS) RESOLUTION**

**Commissioner Garner made a motion, supported by Commissioner Madigan, to adopt the following resolution:**

**WHEREAS**, Viral Hemorrhagic Septicemia (VHS) has been found in the Great Lakes Basin resulting in significant mortalities of a wide range of fish species, including muskellunge in Lake St. Clair and yellow perch in Lake Erie; and

**WHEREAS**, VHS could have profound impacts on many game fish species in the Great Lakes Basin that support a multi-billion dollar sport fishery; and

**WHEREAS**, VHS could have profound impacts on many fish species collected and/or reared by the baitfish industry and those reared at private aquaculture facilities in Michigan, resulting in significant economic impacts to those businesses throughout the State; and

**WHEREAS**, the Great Lakes Fish Health Committee under the aegis of the Great Lakes Fishery Commission has developed over 40 provisions to control the spread of VHS in the Great Lakes that were adopted by the eight Great Lakes States, the Tribes, and the Province of Ontario on October 18, 2006; and

**WHEREAS**, Michigan has been testing for VHS in the State's fish hatchery system for the past thirteen years and has yet to detect the virus in any State hatchery; and

**WHEREAS**, Michigan has been requiring testing for VHS in private aquaculture facilities for the past seven years and has yet to detect the virus in any private aquaculture facility that stocks fish into Michigan's waters; and

**WHEREAS**, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), has unilaterally issued a blanket, emergency Federal Order preventing the interstate movement of 37 fish species between the eight Great Lakes States and importation into the United States from the Provinces of Ontario and Quebec; and

**WHEREAS**, the Federal Order unnecessarily prohibits ongoing management activities in the Great Lakes conducted by the Michigan Department of Natural Resources, given the provisions to control the spread of VHS that have been adopted by all of the fisheries agencies with jurisdiction for management of aquatic resources in the Great Lakes Basin; and

**WHEREAS**, the Federal Order unnecessarily inhibits ongoing operations of private baitfish dealers and aquaculture facilities in Michigan that are regulated by the Michigan Departments of Natural Resources and Agriculture, given the provisions to control the spread of VHS that have been adopted by all of the fisheries agencies with jurisdiction for management of aquatic resources in the Great Lakes Basin; and

**WHEREAS**, the likely vector of transport for VHS into the Great Lakes was via discharge of ballast water circa 2002; and

**WHEREAS**, the most significant human-induced avenue for spread of VHS throughout the Great Lakes Basin is the transport and subsequent discharge of ballast water at ports throughout the Great Lakes.

**NOW, THEREFORE, BE IT RESOLVED** that the Michigan Natural Resources Commission requests the USDA-APHIS to 1) immediately amend the emergency Federal Order to allow a) the interstate movement of fish to slaughter facilities in any other State in the U.S. for subsequent human consumption only, so long as such facilities have appropriate waste treatment; b) the

interstate movement of fish within the eight prohibited States based on the regulations of the receiving state; c) the interstate movement of fish to any other State in the U.S. provided that the State competent authority for aquatic animal health has certified the originating facility and that the testing program meets the requirements of the receiving State; and d) the movement of fish to research/diagnostic laboratories if the State competent authority for aquatic animal health approves of the movement and approves the facility into which the fish will be moved; and 2) immediately issue a second emergency Federal Order that bans the uptake of ballast water in any area of the Great Lakes where VHS has been found.

**BE IT FURTHER RESOLVED** that the Michigan Natural Resources Commission requests the USDA-APHIS to work collaboratively and transparently with the Michigan Department of Natural Resources and the Michigan Department of Agriculture in the immediate development of an interim rule to replace the emergency Order by March 1, 2007; and

A copy of this resolution will be submitted to USDA-APHIS, the Association of Fish and Wildlife Agencies, the Great Lakes Fishery Commission, the Michigan Department of Agriculture, and other partners as determined by the Director of the Michigan Department of Natural Resources.

**Motion to adopt the resolution unanimously carried.**

#### **HUNTING AND FISHING LICENSE PACKAGE DEVELOPMENT WORK GROUP RECOMMENDATION**

**Commissioner Wheatlake made a motion, supported by Commissioner Garner, to accept and approve the recommendations of the Hunting and Fishing License Package Development Work Group.**

**Commissioner Earley** asked if there could be a timetable when this could be implemented. **Commissioner Brown** suggested implementation and take effect by the next license season which is April 1.

**Motion carried unanimously. Chairman Charters** commended Commissioner Wheatlake and his group on a wonderful job.

#### **DIRECTOR'S ACTION**

**Director Humphries** approved all Director's Action items on the Agenda including the Metallic Minerals Lease with technical changes as described in the following paragraph:

#### **METALLIC MINERALS LEASE**

Page 3, Item B. 2. Term of Lease: should read ...from the 11<sup>th</sup> through the 20<sup>th</sup> year. The last sentence of Item B. 2. should read, "Lessor may, at its sole discretion, upon written application of Lessee, agree to additional extensions beyond the 20<sup>th</sup> year by payment..."

#### **COMMISSIONERS REPORTS**

**Commissioner Madigan** visited a potential boating access site in the UP and discussed the issue with staff. He has also done some hunting and is looking forward to doing more.

**Commissioner Wheatlake** had an opportunity to hunt ducks at Bradley Marsh, hunt pheasants and quail out in Nebraska, and to hunt grouse and woodcock up in the UP.

**Commissioner Garner** and his wife celebrated their 25<sup>th</sup> wedding anniversary in Minnesota where they and several of their friends attended the airing of the Prairie Home Companion. Since his term on the NRC expires on December 31, 2006, he intends to resign as NRC Policy Committee on Wildlife and Fisheries following the December meeting and will also resign as vice-chair of the NRC. He will continue to be a Commissioner until a replacement is chosen.

**Chairman Charters** said that losing Commissioner Garner on the NRC will be a tremendous loss. He noted that Commissioner Garner also is a Michigan Natural Resources Trust Fund Board member and will continue to be for another three years. **Chairman Charters** said that 2007 measurable goal-setting will convene in January and that passage of the Hunting and Fishing License Package Development Work Group recommendations will be the highest goal.

**Chairman Charters** reported that he spent a lot of time working on Proposal 1 and he wished all his fellow commissioners the best of luck on deer season.

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Meeting adjourned at 5:42 p.m.